

THURSDAY, APRIL 6, 1995

THIRTIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by the Reverend Robert Morgan, Donelson Freewill Baptist Church, Donelson, Tennessee.

Representative West led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieser, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Fitzhugh; business reasons.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 205: Rep(s). Fowlkes, Head, Callicott, and McDonald as prime sponsor(s).

House Bill No. 483: Rep(s). Ridgeway as prime sponsor(s).

House Bill No. 1005: Rep(s). Walley, Cross, Pinion and Jackson as prime sponsor(s).

MESSAGE FROM THE SENATE

April 6, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 148, 149 and 150; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 148 -- Memorials, Death -- Kenneth M. Sundquist, Moline, Illinois, father of Governor Don Sundquist. by *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wildier, *Womack, *Wright.

Senate Joint Resolution No. 149 -- Memorials, Death -- Dave A. Alexander, Sr. by *Henry, *Jordan, *McNally, *Cohen, *Rochelle, *Springer, *Wildier.

Senate Joint Resolution No. 150 -- Memorials, Professional Achievement -- Clinton Gregory. by *Rochelle.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 44** -- Memorials, Congress -- Memorializes Tennessee congressional delegation to introduce and secure passage of legislation prohibiting television advertisements for beer, wine, coolers, malt liquor and all other alcoholic beverages. by *Bell.

State and Local Government Committee

***House Joint Resolution No. 210** -- General Assembly, Studies -- Establishes special joint committee to study use of cleaner alternative fuels. by *Kernell.

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 10, 1995:

House Joint Resolution No. 213 -- Memorials, Death -- Chief Mark Little Bear. by *Winningham.

House Joint Resolution No. 214 -- Memorials, Academic Achievement -- Munford High School Academic Decathlon Team, Fourth Place, state finals. by *Naifeh.

House Joint Resolution No. 215 -- Memorials, Sports -- 1994 - 1995 University of Tennessee Lady Vols, NCAA National Tournament runner-up. by *Armstrong, *Tindell, *Ritchie, *Burchett, *Bittle, *Boyer, *Dunn, *Williams (Union), *Head.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 10, 1995:

Senate Joint Resolution No. 148 -- Memorials, Death -- Kenneth M. Sundquist, Moline, Illinois, father of Governor Don Sundquist. by *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koella, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Wildier, *Womack, *Wright.

Senate Joint Resolution No. 149 -- Memorials, Death -- Dave A. Alexander, Sr. by *Henry, *Jordan, *McNally, *Cohen, *Rochelle, *Springer, *Wildier.

Senate Joint Resolution No. 150 -- Memorials, Professional Achievement -- Clinton Gregory. by *Rochelle.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 100** -- Highway Signs -- "Purple Heart Parkway," S.R. 374, Clarksville. by *Rice.

Transportation Committee

***Senate Joint Resolution No. 108** -- General Assembly, Directed Studies -- Requests DOT to conduct traffic study on segment of S.R. 126 in Indian Springs community of Sullivan County presently being commercially developed. by *Holcomb.

Transportation Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 1872** -- Lake County -- Subject to local approval, institutes new effective date, September 1, 1998, for the compensation of general sessions court judge in accordance with TCA 1615-5003; changes general sessions judge position from a full time to part time. Amends Chapter 49, Private Acts of 1987, as amended. by *Pinion.

House Bill No. 1873 -- Gallatin -- Subject to local approval, revises charter relative to adoption procedure for ordinances and resolutions, veto power of mayor, and public sessions of city council. Amends Chapter 67, Private Acts of 1953, as amended. by *Stamps.

*House Bill No. 1874 -- Crossville -- Subject to local approval, staggers terms of commissioners, allowing two commissioners receiving highest number of votes to serve four year terms, with remaining two commissioners receiving two year terms. Amends Chapter 519 of the Private Acts of 1953, as amended. by *Duer.

DELAYED BILLS REFERRED

Pursuant to Rule No. 77, having been prefiled for introduction, House Bill(s) No(s). 1875, was/were referred to the Delayed Bills Committee.

House Bill No. 1875 -- Sullivan County -- Creates consolidated government charter commission. by *Venable, *Ramsey, *Westmoreland.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

*Senate Bill No. 181 -- Sunset Laws -- Board of standards, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 12, Chapter 3. by *Haynes.

*Senate Bill No. 184 -- Sunset Laws -- Interstate corrections compact, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 41, Chapter 23. by *Haynes.

Senate Bill No. 506 -- Sunset Laws -- Compact on probation and parole, June 30, 2003. Amends TCA Title 4, Chapter 29, Title 40, Chapter 28. by *Haynes.

*Senate Bill No. 1212 -- Sexual Offenses -- Redefines "prostitution" to include offering to engage in sexual activity as well as actually engaging in sexual activity. Amends TCA Title 39, Chapter 13, Part 5. by *Harper.

*Senate Bill No. 1259 -- Pharmacy -- Extends period for registered pharmacists previously in armed forces to apply for free current pharmacy certificate, from six to eight months after being honorably discharged. Pharmacist must have been registered and in good standing in Tennessee upon entering service. Amends TCA Title 63. by *Cohen.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1869 -- Shelby County -- Local Bill Held on House Desk

House Bill No. 1870 -- Roane County -- Local Bill Held on House Desk

House Bill No. 1871 -- Kingsport -- Local Bill Held on House Desk

REPORT OF DELAYED BILLS COMMITTEE
April 6, 1995

Pursuant to Rule No. 77, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1843, 1844 and 1867.

Jimmy Naifeh, Speaker
Bill Purcell
H. E. Bittle

COMMITTEE ON CALENDAR AND RULES
April 6, 1995

The Calendar and Rules Committee met and set the following bill(s) on the Regular Calendar for April 10, 1995: House Bill(s) No(s). 679 and 1007.

The Committee set the following bills on the Regular Calendar for April 12, 1995: House Bill(s) No(s). 886, 1079, 1103, 1792, 1355 and 84.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for April 10, 1995: House Bill(s) No(s). 1545, 1266 and 68; Senate Joint Resolution(s) No(s). 97; House Joint Resolution(s) No(s). 80.

CONSENT CALENDAR

*House Resolution No. 42 -- Memorials, Retirement -- Nancy Gettelfinger. by *Boyer, *Dunn.

*House Resolution No. 43 -- Memorials, Personal Occasion -- Henry Allen McClaron and Georgia Coleman McClaron, 50th wedding anniversary. by *Pruitt, *West, *Halteman Harwell, *Jones, S., *Purcell, *Langster, *Odom, *Garrett, *Arriola, *Robinson.

*House Joint Resolution No. 207 -- Memorials, Personal Achievement -- Jeffrey Mixon, 4-H Horse Show winner and perfect attendance achievement. by *Roach, *Dunn.

*House Joint Resolution No. 208 -- Memorials, Retirement -- Chief Norman Mayo, Greenbrier Police Department. by *Davidson.

*House Joint Resolution No. 209 -- Memorials, Recognition and Thanks -- John David Scobey. by *West, *Garrett, *Arriola, *Jones, S., *Langster, *Stamps, *Halteman Harwell, *Pruitt, *Odom, *Robinson, *Purcell.

*House Joint Resolution No. 211 -- Memorials, Public Service -- J. J. Randolph. by *Duer, *Curtiss.

*House Joint Resolution No. 212 -- Memorials, Recognition and Thanks -- Roy T. Hall. by *Duer, *Curtiss.

Senate Joint Resolution No. 130 -- Memorials, Sports -- Ronnie McMahan, Vanderbilt University basketball player. by *Jordan, *Harper, *Elsea, *Crutchfield, *Cohen, *Cooper, *Haynes, *Henry, *Wright, *Person, *Miller J, *Rice, *Springer, *Carter, *Fowler, *McNally, *Holcomb, *Rochelle, *Atchley, *Kyle, *Womack, *Dixon, *Crowe, *Wallace, *O'Brien.

Senate Joint Resolution No. 139 -- Memorials, Professional Achievement -- "Teachers of the Year," Rutherford County. by *Womack.

Senate Joint Resolution No. 140 -- Memorials, Personal Achievement -- Tracy Williams, 1994 Miss Black Tennessee. by *Dixon, *Harper, *Ford J, *Kyle.

Senate Joint Resolution No. 141 -- Memorials, Retirement -- L. Hadley Williams, Jr. by *Wilder, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Hamilton, *Harper, *Haun, *Haynes, *Henry, *Holcomb, *Jordan, *Koeila, *Kyle, *Leatherwood, *McNally, *Miller J, *O'Brien, *Person, *Rice, *Rochelle, *Springer, *Wallace, *Womack, *Wright.

Senate Joint Resolution No. 143 -- Memorials, Retirement -- Pat File. by *Rice.

Senate Joint Resolution No. 144 -- Memorials, Congratulations -- Lakeshore Heartland Retirement Community, Tenth Anniversary. by *Haynes.

Senate Joint Resolution No. 145 -- Memorials, Personal Occasion -- Mr. and Mrs. James H. Cundiff, 50th wedding anniversary. by *Haynes.

Senate Joint Resolution No. 146 -- Memorials, Retirement -- James A. Stone. by *McNally.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson,

Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 352** -- Traffic Safety -- Adds local governmental entities to list of entities that may assess fee for conducting driver improvement course; fee not to exceed \$50.00 and must be conducted by government or 501(c)(3) corporation; no one shall be refused admittance for inability to pay. Amends TCA Section 55-10-301. by *Odom (SB964 by *Haynes).

Further consideration of House Bill No. 352, previously considered on March 9, 1995, March 16, 1995, and reset for today's Calendar.

Rep. Odom requested that House Bill No. 352 be moved to the heel of the Calendar.

House Bill No. 1344 -- Architects and Engineers -- Revises plans, specifications and reports which are required to have engineer's or architect's stamp. Amends TCA Title 62, Chapter 2. by *Garrett (*SB761 by *Haynes, *Crutchfield).

Further consideration of House Bill No. 1344, previously considered on April 3, 1995, and reset for today's Calendar.

On motion, House Bill No. 1344 was made to conform with **Senate Bill No. 761**; the Senate Bill was substituted for the House Bill.

Rep. Garrett moved that Senate Bill No. 761 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Garrett moved that **Senate Bill No. 761** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U.

(Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 778 -- Medical Occupations -- Authorizes medical laboratory board to issue temporary license to applicant meeting requirements and scheduled to take next available board approved examination; provides for termination; authorizes one extension if severe hardship; recipient to work only under direct supervision of licensed personnel. Amends TCA Title 68. by *West(*SB944 by *Haynes).

Rep. West moved that House Bill No. 778 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 778 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-29-117, is amended by adding the following language as a new subsection (d):

(1) A temporary license may be issued by the board for an applicant who has successfully completed the academic course work, clinical training, and all board designated requirements for the license sought, and is scheduled to take the next available board-approved examination.

(2) The temporary license shall remain valid only until the results of the examination are available to the board if the applicant fails the examination, and the temporary license becomes void on the day the results are released by the board.

(3) If, however, an applicant passes the examination, the temporary license shall remain valid until the board grants or denies the license application.

(4) If the applicant fails to take the scheduled examination, the temporary license becomes void on the day of the examination. In cases of severe hardship, the board may in its discretion, and upon application, issue a second temporary license which if granted, shall remain valid until the results of the second examination are available to the board.

(5) No individual may be issued more than one
(1) temporary license, except as provided in sub-item
(4).

(6) The recipient of a temporary license issued
under the provisions of this subsection shall work only
under the direct supervision of medical laboratory
personnel licensed in the state of Tennessee at the
medical laboratory technologist level or higher.

SECTION 2. This act shall take effect upon becoming a
law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. West moved that **House Bill No. 778**, as amended, be passed on
third and final consideration, which motion prevailed by the following
vote:

Ayes 94
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers,
Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,
Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole
(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,
DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens,
Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron,
Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U.
(Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee,
McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom,
Patton, Peach, Phelan, Phillips, Pinion, Purcell, Rhinehart, Ridgeway,
Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps,
Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walley,
West, White, Whitson, Williams (Union), Williams (Williamson), Windle,
Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Westmoreland -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change
their original stand from not voting to aye on **House Bill No. 778** and
have this statement entered in the Journal: Rep(s). Ramsey.

REGULAR CALENDAR, CONTINUED

House Bill No. 775 -- Banks and Financial Institutions --
Authorizes banks holding funds of two or more local governments to
invest such funds in local government investment pool. Amends TCA
Title 9, Chapter 4, Part 7. by *West (*SB938 by *Haynes).

Rep. West moved that **House Bill No. 775** be reset to the Calendar
for Thursday, April 13, 1995, which motion prevailed.

*House Bill No. 1390 -- Highways, Roads and Bridges -- Establishes procedure for closing county road. Amends TCA Title 54 Chapter 10, Part 2. by *Hargrove (SB1698 by *Burks).

Rep. Hargrove moved that House Bill No. 1390 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1390 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 10, Part 2, is amended by adding the following as an additional section to be appropriately designated:

Notwithstanding the provisions of this part to the contrary, a county legislative body, by resolution adopted by a two-thirds (2/3) majority vote, may adopt the provisions of this section as an alternative procedure for the closing of public roads in the county which are not maintained by any other governmental entity. After

adopting the provisions of this section, each application to close a designated public road in the county shall be made in writing to the chief administrative officer of the county highway department. Upon receiving an application to close a public road, the chief administrative officer of the county highway department shall give notice to interested parties as provided in this part. The chief

administrative officer of the county highway department shall make a recommendation to the regional planning commission regarding whether or not the public road should be closed. After receiving the

recommendation of the chief administrative officer of the county highway department, the regional planning commission shall make its recommendation to the county legislative body, and shall attach the recommendation of the chief administrative officer. After receiving the recommendations as provided herein, the county legislative body may, by resolution adopted by a majority of its members, order the closure of the public road.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that House Bill No. 1390, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,

Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 747 -- Health -- Requires that blood specimens withdrawn from patient in licensed health care facility be performed by registered nurse, licensed practical nurse, clinical laboratory technologist or technician, or certified and/or nationally registered phlebotomist. Amends TCA Title 68, Chapter 29, Part 122. by *Pruitt (*SB737 by *Harper, *McNally).

Speaker Pro Tem DeBerry requested that House Bill No 747 be moved to the heel of the Calendar, which motion prevailed.

House Bill No. 1005 -- Taxes, Real Property -- Permits partial payments and electronic transfer payments in Stewart, Hardeman, Cheatham, Dickson, Campbell, Tipton and Roane counties. Amends TCA Section 67-5-1801(e). by *Ridgeway (*SB409 by *McNally, *Rice, *Hamilton, *O'Brien, *Wilder, *Leatherwood, *Springer).

On motion, House Bill No. 1005 was made to conform with **Senate Bill No. 409**; the Senate Bill was substituted for the House Bill.

Rep. Ridgeway moved that Senate Bill No. 409 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Ridgeway moved the **Senate Bill No. 409** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart,

Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1339 -- Nurses, Nursing -- Includes certain licensed nurses and licensed respiratory care therapists within application of Tennessee Medical Laboratory Act. Amends TCA Title 68. by *Odom (*SB359 by *Cooper).

Rep. Odom moved that House Bill No. 1339 be passed on third and final consideration.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1339 by inserting in the amendatory language in Section 1, between the word "therapists" and the word "employed", the phrase " , technicians and assistants" .

AND FURTHER AMEND by adding a new Section 2 as follows and redesignating current Section 2 accordingly:

SECTION 2. Tennessee Code Annotated, Section 68-11-201(10), is amended by adding a new subparagraph (H) as follows:

Notwithstanding the provisions of any other law to the contrary, a licensed practical nurse employed by a home care organization, acting pursuant to the written order of a licensed physician, may provide respiratory care to a home care organization patient, except for the maintenance and management of life support equipment.

On motion, Amendment No. 1 was adopted.

Rep. Odom moved that **House Bill No. 1339**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart,

Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1224 -- Public Printing -- Requires state public records and documents to be printed on alkaline paper effective January 1, 2000. Amends TCA Title 12, Chapter 7. by *Burchett (*SB1425 by *Gilbert).

On motion, House Bill No. 1224 was made to conform with **Senate Bill No. 1425**; the Senate Bill was substituted for the House Bill.

Rep. Burchett moved that Senate Bill No. 1425 be passed on third and final consideration.

On motion, Rep. Jones R (Shelby) withdrew State and Local Government Committee Amendment No. 1.

Rep. Walley moved the previous question, which motion prevailed.

Rep. Burchett moved the **Senate Bill No. 1425** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 483 -- Highway Signs -- Extends pilot project on tourist oriented directional signs from 12/31/94 to 12/31/95. Amends TCA Title 54, Chapter 5, Part 13. by *Gunnels, *Kerr, *McKee, *Clabough, *Buck, *Bragg (*SB526 by *Miller).

Rep. Gunnels moved that House Bill No. 483 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 483 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 5, is amended by deleting Part 13 in its entirety, and by substituting instead Sections 2 through 4 of this act as a new Part 13.

SECTION 2. (a) The department of transportation is authorized to erect tourist-oriented directional signs, hereinafter referred to as TODS, within the rights-of-way of state highways. In erecting such signs, the department shall utilize the experience gained in erecting such signs during the period the pilot project established pursuant to Chapter 505 of the Public Acts of 1993 was in operation.

(b) TODS shall be available to lawful cultural, historical, recreational, agricultural, educational, or entertaining activities; state and national parks; and commercial activities which are unique and local in nature; and the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

SECTION 3. In all respects, the erection of TODS shall:

(1) Comply with the Manual on Uniform Traffic Control Devices;

(2) Comply with local zoning and local zoning authorities; and

(3) Comply with all laws and regulations for scenic highways, in accordance with Title 54, Chapter 17, Part 1, and scenic parkways, Title 54, Chapter 17, Part 2.

SECTION 4. The department of transportation shall promulgate necessary rules and regulations to accomplish the effect and intent of this act. Such regulations shall define eligible users of TODS; provide for the department to charge fees to cover the cost of signing; and address other topics suggested in the Manual on Uniform Traffic Control Devices.

SECTION 5. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1995, the public welfare requiring it.

Rep. Gunnels moved to withdraw Amendment No. 1 to Amendment No. 1, which motion prevailed.

Rep. Gunnels moved to amend as follows:

Amendment No. 2 to Amendment No. 1

AMEND House Bill No. 483 by deleting subsection (a) of Section 2 in its entirety, and by substituting instead the following language:

(a)(1) The department of transportation is authorized to conduct a tourist oriented directional signs program, hereinafter referred to as TODS, within the right-of-way of state highways by either the entry into administrative service and construction contracts or by the administration of the program with department personnel, at the option of the department of transportation.

(2) Contracts for administrative and construction services shall be subject to the provisions of §§12-4-109 through 12-4-111. Contracts for administrative and or construction services shall include provisions requiring appropriate corporate surety performance bond, security or cash. Contracts for such services shall be awarded based upon an objective, competitive bid basis to the lowest responsible bidder.

(3) Should the commissioner determine that it is in the best interest of the state for the department to conduct the provisions of the program set forth in this part through the award of an administrative service or construction contract or contracts, the scope of the services provided by such contracts shall be at the discretion of the commissioner.

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Rep. Gunnels moved that Amendment No. 1, as amended, be adopted which motion prevailed.

Rep. Buck moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Gunnels moved that **House Bill No. 483**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks, Turner (Hamilton) -- 2.

A motion to reconsider was tabled.

House Bill No. 1539 -- Education -- Deletes statutory language which states that any superintendent or director of schools, who is appointed to such office by a popularly elected school board, is only required to have a baccalaureate degree in order to hold such office. Amends TCA Section 49-2-301. by *Winningham, *McAfee, *Duer (*SB1333 by *Burks).

Rep. McAfee moved that House Bill No. 1539 be reset to the Calendar for Monday, April 10, 1995, which motion prevailed.

House Bill No. 1231 -- Children -- Authorizes county legislative bodies to establish and enforce curfew hours for children. Amends TCA Title 37, Chapter 10. by *DeBerry J (*SB680 by *Dixon).

Rep. DeBerry, J moved that House Bill No. 1231 be passed on third and final consideration.

Rep. Givens moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1231 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties ____ having a population, according to the 1990 federal census or any _____ subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
6,700	6,950
44,500	45,000

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1231 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties ____ having a population, according to the 1990 federal census or any _____ subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
31,100	31,400
85,800	86,100

On motion, Amendment No. 2 was adopted.

Rep. Arriola moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 1231 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties _____ having a population, according to the 1990 federal census or any _____ subsequent federal census of:

not less than
500,000

nor more than
550,000

On motion, Amendment No. 3 was adopted.

Rep. Callicott moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1231 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties _____ having a population, according to the 1990 federal census or any _____ subsequent federal census of:

not less than
80,000

nor more than
83,000

On motion, Amendment No. 4 was adopted.

Rep. DeBerry, J requested that House Bill No. 1231 be moved to the heel of the Calendar, which motion prevailed.

House Bill No. 328 -- Wine, Wineries -- Lowers required seating capacity of restaurants authorized to sell wine only from 50 to 40. Amends TCA 57-4-101, 102. by *Jones R (Shelby) (*SB6 by *Cohen).

On motion, House Bill No. 328 was made to conform with **Senate Bill No. 6**; the Senate Bill was substituted for the House Bill.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Jones R (Shelby) moved that **Senate Bill No. 6** be passed on third and final consideration, which motion failed by the following vote:

Ayes 47
Noes 35
Present and not voting 10

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Bragg, Brooks, Brown, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Dyer), Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Garrett, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kernell, Kerr, Langster, McMillan, Miller, Napier, Newton, Odom, Phelan, Purcell, Stamps, Tindell, Towns, Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 47.

Representatives voting no were: Beavers, Buck, Burchett, Byrd, Cole (Carter), Cross, Curtiss, Dunn, Ford, Givens, Gunnels, Haley, Herron, Kent, Kisber, McAfee, McDaniel, McDonald, McKee, Peach, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Sharp, Stulce, Walley, White, Williams (Union), Windle, Winningham, Wood -- 35.

Representatives present and not voting were: Boyer, Fowlkes, Halteman Harwell, Hargrove, Hassell, Jackson, Joyce, Lewis, Shirley, Turner (Hamilton) -- 10.

Having failed to receive a consitutional majority, **Senate Bill No. 6**, was re-referred to the Committee on Calendar and Rules.

House Bill No. 925 -- Taxes, Real Property -- Removes requirement in present law that discount does not apply to tax due under tax relief provisions; makes early payment discount applicable only to payments made during the discount period for taxpayers making partial payment or receiving tax relief. Amends TCA Title 67, Chapter 5, Part 18. by *Jones R (Shelby), *Haley (*SB669 by *Person).

On motion, House Bill No. 925 was made to conform with **Senate Bill No. 669**; the Senate Bill was substituted for the House Bill.

Rep. Jones R (Shelby) moved that **Senate Bill No. 669** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1158 -- Alcoholic Offenses -- Authorizes city or county to suspend or revoke beer permit or impose civil penalty rather than automatic revocation for failure to pay taxes. Amends TCA 575-104. by *Jones R (Shelby) (*SB62 by *Ford).

On motion, House Bill No. 1158 was made to conform with **Senate Bill No. 62**; the Senate Bill was substituted for the House Bill.

Rep. Jones R (Shelby) moved that Senate Bill No. 62 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Jones R (Shelby) moved that **Senate Bill No. 62** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	62
Noes	27
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Cantrell, Chumney, Coffey, Cole (Carter), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Dunn, Eckles, Ford, Garrett, Haley, Halteman Harwell, Hassell, Head, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, Lewis, McDaniel, McKee, McMillan, Miller, Napier, Odom, Patton, Peach, Phillips, Purcell, Ramsey, Rhinehart, Ritchie, Roach, Robinson, Stamps, Tindell, Towns, Turner (Shelby), West, Westmoreland, Whitson, Williams (Williamson), Mr. Speaker Naifeh -- 62.

Representatives voting no were: Beavers, Byrd, Callicott, Clabough, Cross, Duer, Fowlkes, Givens, Gunnels, Herron, Jackson, Joyce, Kerr, McAfee, McDonald, Newton, Phelan, Pinion, Sharp, Stulce, Turner (Hamilton), Walley, White, Williams (Union), Windle, Winningham, Wood -- 27.

Representatives present and not voting were: Cole (Dyer), Hargrove, Shirley, Venable -- 4.

A motion to reconsider was tabled.

House Joint Resolution No. 205 -- Memorials, Sports -- Coach Ray Hampton, Waverly High School football team. by *Williams (Williamson), *Peach.

Further consideration of House Joint Resolution No. 205, previously considered on April 5, 1995, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

Rep. Williams (Williamson) moved that **House Joint Resolution No. 205** be adopted, and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 352** -- Traffic Safety -- Adds local governmental entities to list of entities that may assess fee for conducting driver improvement course; fee not to exceed \$50.00 and must be conducted by government or 501(c)(3) corporation; no one shall be refused admittance for inability to pay. Amends TCA Section 55-10-301. by *Odom (SB964 by *Haynes).

Further consideration of House Bill No. 352 previously considered on today's Calendar.

Rep. Odom moved that House Bill No. 352 be reset to the Calendar for Monday, April 10, 1995, which motion prevailed.

House Bill No. 747 -- Health -- Requires that blood specimens withdrawn from patient in licensed health care facility be performed by registered nurse, licensed practical nurse, clinical laboratory technologist or technician, or certified and/or nationally registered phlebotomist. Amends TCA Title 68, Chapter 29, Part 122. by *Pruitt (*SB737 by *Harper, *McNally).

Further consideration of House Bill No. 747 previously considered on today's Calendar.

Rep. Jones U (Shelby) moved that House Bill No. 747 be reset to the Calendar for Wednesday, April 12, 1995, which motion prevailed.

House Bill No. 1231 -- Children -- Authorizes county legislative bodies to establish and enforce curfew hours for children. Amends TCA Title 37, Chapter 10. by *DeBerry J (*SB680 by *Dixon).

Further consideration of House Bill No. 1231 previously considered on today's Calendar.

Rep. DeBerry, J moved that House Bill No. 1231 be reset to the Calendar for Thursday, April 20, 1995, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENT

***House Bill No. 175** -- Highways, Roads and Bridges -- Exempts Hawkins County from standard educational requirements imposed on county highway superintendent. Amends TCA Title 54, Chapter 7. by *Givens (SB310 by *Wallace).

Senate Amendment No. 1

AMEND House Bill No. 175 by deleting the following language added by House Amendment No. 3 in its entirety:

Section __. Tennessee Code Annotated, Section 54-7-104(a)(1), is amended by adding to the eighth and final sentence the following figures in the appropriate columns:

not less than
26,100

nor more than
26,400

AND FURTHER AMEND by adding the following language as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section __. Tennessee Code Annotated, Section 54-7-104, is amended by adding the following language as a new, appropriately designated subsection:

() In any county having a population of not less than twenty-six thousand one hundred (26,100) nor more than twenty-six thousand four hundred (26,400) according to the 1990 federal census or any subsequent federal census, if only one (1) candidate meeting the minimum qualifications in subdivision (a)(1) for chief administrative officer has filed to qualify for election to such office prior to the qualifying deadline or the only qualified candidate legally withdraws, then the county election commission shall extend the qualifying deadline for ten (10) days. During such ten (10) day period, a candidate, who meets the minimum requirements of a high school education or a general equivalency diploma (GED), may qualify for election to the office of chief administrative officer of the county department which builds and maintains the roads of such county.

Rep. Givens moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 175**, which motion prevailed by the following vote:

Ayes	93
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman

Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Coffey, Williams (Union) -- 2.

Representatives present and not voting were: Cross -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENT

House Bill No. 782 -- Sexual Offenses -- Establishes mandatory minimum periods of incarceration and fines for persons committing offenses of prostitution and patronizing prostitution within one and one-half miles of school; makes state law prohibiting prostitution, patronizing prostitution and promoting prostitution preeminent over private acts or ordinances prohibiting same conduct. Amends TCA Title 39, Chapter 13, Part 5. by *West, *Turner (Ham), *Langster, *Cole (Carter), *Kent, *Williams (Union) (*SB2 by *Harper, *Haynes).

Senate Amendment No. 1

AMEND House Bill No. 782 by adding the following new subsection (c) to the amendatory language of SECTION 1 and SECTION 2:

(c) As used in subsection (b), "school" means all public and private schools which conduct classes in any grade from kindergarten (k) through grade twelve (12).

Rep. West moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 782**, which motion prevailed by the following vote:

Ayes 96
Noes 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Haldeman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Kernell, **House Bill No. 1734** was recalled from the Judiciary Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 128: Rep(s). Haley as prime sponsor(s).

House Bill No. 267: Rep(s). Stamps, Hargrove and Chumney as prime sponsor(s).

House Bill No. 626: Rep(s). McAfee as prime sponsor(s).

House Bill No. 651: Rep(s). Herron as prime sponsor(s).

House Bill No. 1007: Rep(s). Patton as prime sponsor(s).

House Bill No. 1254: Rep(s). Haley as first prime sponsor(s).

House Bill No. 1294: Rep(s). Sharp and Turner (Hamilton) as prime sponsor(s).

House Bill No. 1356: Rep(s). Halteman Harwell, Joyce, Kent, Huskey, Wood, Stulce, West, Williams (Union), Boyer, Pinion, Beavers, Eckles and McDonald as prime sponsor(s).

REQUEST TO BE ADDED AS SPONSOR

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship could not be granted since the request was made after passage/adoption of said bill/resolution:

House Bill No. 643: Rep(s). Haley.

REPORT OF CHIEF ENGROSSING CLERK

April 6, 1995

The following bill(s) was/were transmitted to the Governor for his action: **House Bill(s) No(s). 584**; also, **House Joint Resolution(s) No(s). 42, 56, 88, 181, 182, 183 and 184.**

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 6, 1995

The Speaker signed the following: Senate Bill(s) No(s). 49, 71, 112, 219, 221, 385, 471, 586, 955, 986, 1190 and 1248; also, Senate Joint Resolution(s) No(s). 13, 110, 126, 129, 133, 134, 135, 136, 137 and 138.

ENROLLED BILLS
April 6, 1995

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 42, 149, 299, 464, 853, 1023, 1024, 1113 and 1739; House Joint Resolution(s) No(s). 193 and 199.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
April 6, 1995

The Speaker signed the following: House Bill(s) No(s). 42, 149, 299, 464, 853, 1023, 1024, 1113 and 1739; House Joint Resolution(s) No(s). 193 and 199.

MESSAGE FROM THE SENATE
April 6, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 141; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 6, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 132 and 348; both substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
April 6, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 778, 1339 and 1390; also, House Joint Resolution(s) No(s). 207, 208, 209, 211 and 212.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
April 6, 1995

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 483; also, House Joint Resolution(s) No(s). 205.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

THURSDAY, APRIL 6, 1995 -- THIRTIETH LEGISLATIVE DAY

MESSAGE FROM THE SENATE
April 6, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 101 and 102; both for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 6, 1995

MR. SPEAKER: I am directed to return to the House, House Bill No. 1097.

The Senate lifted the tabling motion; reconsidered action in passing the bill; reconsidered action in adopting Amendment No. 1; withdrew Amendment No. 1, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.
MESSAGE FROM THE SENATE
April 6, 1995

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1504.

The Senate nonconcurred in House Amendment(s) No(s). 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 6, 1995

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1719.

The Senate concurred in House Amendment(s) No(s). 2, and nonconcurred in House Amendment(s) No(s). 3.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 6, 1995

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1847, 1855, 1857, 1858, 1859 and 1863; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 6, 1995

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 265, 492, 871, 1293, 1558, 1606 and 1852; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 265 -- Jails, Local Lock-ups Allows sheriff in all counties to appoint disciplinary panel that reviews revocation of sentence credits for rules' violations of inmates sentenced to county jails or workhouses. Amends TCA 41-2-111. by *Henry, *Crowe.

***Senate Bill No. 492** -- Sunset Laws -- Health facilities commission, June 30, 2003 Amends TCA Title 4, Chapter 29; Title 68, Chapter 11. by *Haynes.

Senate Bill No. 871 -- Motor Vehicles, Titling and Registration -- Authorizes issuance of special license plates for members of Tennessee Police Benevolent Association. Amends TCA Title 55, Chapter 4. by *McNally, *Kyle.

***Senate Bill No. 1293** -- Medicine, Practice of -- Redefines "quorum" for board of medical examiners; expands grounds upon which board may suspend or revoke medical license; allows board to determine appropriate standard of care as to disciplinary proceedings. Amends TCA Title 63, Chapter 6. by *Kyle.

***Senate Bill No. 1558** -- Charitable Solicitations -- Decreases time for authorizing documentation to be filed with secretary of state by solicitor from 30 to 15 days. Amends TCA Title 48, Chapter 3, Part 5. by *Crutchfield.

***Senate Bill No. 1606** -- Children -- Directs department of human services to compile list of programs that encourage and nurture relationships between fathers and their children and to file with house and senate health and human resources committees by May 1, 1995, and annually thereafter; report to include numbers and types of services provided and targeted population. by *Harper.

Senate Bill No. 1852 -- Shelby County -- Subject to local approval, revises hotel motel tax act. Amends Chapter 131, Private Acts of 1969, as amended. by *Ford J, *Person, *Kyle, *Dixon, *Leatherwood, *Cohen.

MESSAGE FROM THE SENATE

April 6, 1995

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 187, 188, 189, 190, 191, 192, 194, 195, 196 and 197; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 6, 1995

MR. SPEAKER: I am directed by the Senate to request the return of House Bill(s) No(s). 952 for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SENATE BILL RETURNED

The Clerk returned Senate Bill No. 1202 to the Senate, as requested.

CONSENT CALENDAR

April 6, 1995

The following local bills have been placed on the Consent Calendar for **April 10, 1995**: House Bill(s) No(s). 1864, 1866, 1870 and 1871.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, April 10, 1995.